

After a careful review, we find neither a clear error on the face of the record nor a manifest injustice, and therefore, we shall adopt the report and recommendation. It is hereby **ORDERED** as follows:

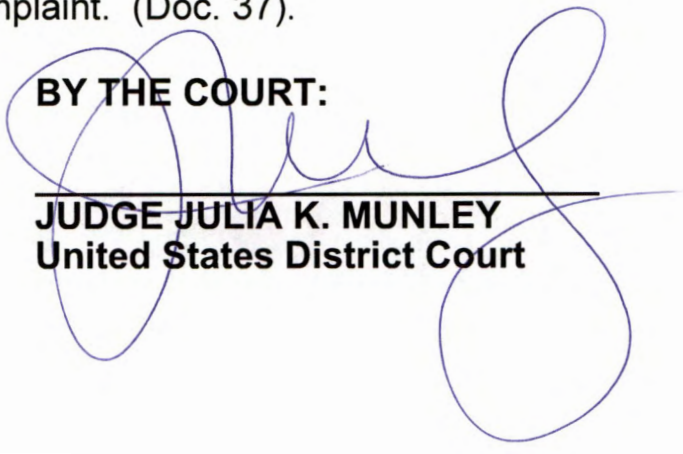
1) The magistrate judge's report and recommendation (Doc. 35) is

ADOPTED;

2) The plaintiff's motion for preliminary injunction and temporary restraining order (Doc. 15) is **DENIED**; and

3) The Clerk of Court is directed to remand this case to Magistrate Judge Bloom for further proceedings including disposition of the pending motion to file a second amended complaint. (Doc. 37).

BY THE COURT:


JUDGE JULIA K. MUNLEY
United States District Court